

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re: **Juan C Gonzalez
Renee Gabaldon**

Case No. **10-59717 RLE**

First Amended Chapter 13 Plan

Debtor(s).

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee, and the Debtor(s) will pay to the Trustee the sum of 250.00 * each month. Initial attorneys fees are requested in the amount of \$ 3,450.00.
Debtor(s) elect a voluntary wage order.
2. From the payments received, the Trustee will make disbursements as follows:
 - (a) On allowed claims for expenses of administration required by 11 U.S.C. § 507 (a)(2) in deferred payments.
 - (b) On allowed secured claims, which shall be treated and valued as follows:

| Name | Value of Collateral | Estimated Mortgage/Lease Arrears | Adequate Protection Payments (If specified) | Interest Rate (If Specified) |
|------------------------------------|---------------------|----------------------------------|---|------------------------------|
| Chase Home Finance | 535,000.00 | 3,750.00 | 10.00 | 0.00 |
| Wells Fargo Dealer Services | 3,440.00 | | 75.00 | 5.00 |

[The valuations shown above will be binding unless a timely objection to confirmation is filed. Secured claims will be allowed for the value of the collateral or the amount of the claim, whichever is less, and will be paid the adequate protection payments and the interest rates shown above. If an interest rate is not specified, 7% per annum will be paid. The remainder of the amount owing, if any, will be allowed as a general unsecured claim paid under the provisions of ¶ 2(d).]

- (c) On allowed priority unsecured claims in the order prescribed by 11 U.S.C. § 507.
- (d) On allowed general unsecured claims as follows:
X at a rate of 32 cents on the dollar. The estimated term of the plan is 60 months. (Percentage Plan)
the sum of _____ payable over _____ months, distributed pro rata, in amounts determined after allowed administrative, secured and priority unsecured claims are paid. The plan payments will continue at the highest monthly payment provided in ¶ 1 as necessary to pay all allowed administrative, secured and priority unsecured claims within sixty months of confirmation. (Pot Plan)

3. The debtor(s) elect to reject the following executory contracts or leases and surrender to the named creditor(s) the personal or real property that serves as collateral for a claim. The debtor(s) waive the protections of the automatic stay and consent to allow the named creditor(s) to obtain possession and dispose of the following identified property or collateral without further order of the court. Any allowed unsecured claim for damages resulting from the rejection will be paid under paragraph 2(d).

-NONE-

4. The Debtor(s) will pay directly the following fully secured creditors and lessors or creditors holding long-term debt:

| Name | Monthly Payment |
|---------------------------|-----------------|
| Chase Home Finance | 2,881.00 |

5. The date this case was filed will be the effective date of the plan as well as the date when interest ceases accruing on unsecured claims against the estate.
6. The Debtor(s) elect to have property of the estate:
_____ revert in the debtor(s) at such time as a discharge is granted or the case is dismissed.
X revert in the debtor(s) upon plan confirmation. Once property reverts, the Debtor(s) may sell or refinance real or personal property without further order of the court, upon approval of the Chapter 13 Trustee.
7. The debtor(s) further propose pursuant to 11 USC § 1322(b):

***The plan is a step plan or has lumpsum payments which will pay as follows: \$250.00 per month for 12 months, then \$350.00 per month thereafter
The Chapter 13 Plan shall complete within 60 months from the Petition filing date.**

The Debtors shall sell or refinance their real property located at 4439 Lynfield Lane, San Jose, California, within 60 months from the date of their Petition filing in order to pay off their Chapter 13 Bankruptcy case. Upon such sale or refinance the Chapter 13 Trustee shall submit a demand into escrow and shall be the disbursing agent on all pre-petition obligations.

Notwithstanding Section 2(d), general unsecured creditors shall receive no less than \$39,925.00.

/s/ Renee Gabaldon, as Next Friend for Juan C. Gonzalez **February 14, 2011**

Debtor's Signature

Date

/s/ Renee Gabaldon

Joint Debtor's Signature

February 14, 2011

Date

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First Amended Chapter 13 Plan - Continuation Sheet

Debtor(s).

I, the undersigned, am the attorney for the above named Debtor(s) and hereby certify that the foregoing chapter 13 plan is a verbatim replica of pre-approved chapter 13 plan promulgated pursuant to B.L.R. 1007-1 for use in the San Jose Division.

Dated: February 14, 2011

/s/ David A. Boone

David A. Boone 74165

Attorney for Debtor(s)